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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/913,670

08/17/2001

Gerard De Haan

PHNL000643US

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7590

03/01/2005

PHILIPS INTELLECTUAL PROPERTY & STANDARDS

P.O. BOX 3001

BRIARCLIFF MANOR, NY 10510

EXAMINER

AN, SHAWN S

ART UNIT

PAPER NUMBER

2613

DATE MAILED: 03/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Advisory Action</b> <b>Before the Filing of an Appeal Brief</b>	Application No.	Applicant(s)	
	09/913,670	DE HAAN ET AL.	
	Examiner	Art Unit	
	Shawn S An	2613	

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 20 January 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.  
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### NOTICE OF APPEAL

2. ☐ The reply was filed after the date of filing a Notice of Appeal, but prior to the date of filing an appeal brief. The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

#### AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
The status of the claim(s) is (or will be) as follows:  
Claim(s) allowed: \_\_\_\_\_.  
Claim(s) objected to: \_\_\_\_\_.  
Claim(s) rejected: 1-5 and 7.  
Claim(s) withdrawn from consideration: \_\_\_\_\_.

#### AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

#### REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See Continuation Sheet.  
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). \_\_\_\_\_.  
13. ☐ Other: \_\_\_\_\_.

Continuation of 11. does NOT place the application in condition for allowance because: Applicants' arguments are not persuasive.

Applicants argue that Herpel et al, Lee, and DeHann et al neither show nor suggest limitations as set forth in the claims 1-4 and 7.

However, upon further review, the Examiner respectfully disagrees.

As per claims 1, 4, and 7 arguments, Herpel et al discloses selecting parts of an image frame in which a first video image (20) is significantly distinguished from a second video image (23), and determining, in the selected parts in the first and a second video image parameter sets of at least two motion models (16), wherein those selected parts of the image area in which motion was determined in previous video image data of a sequence of video images (col. 2, lines 51-55; col. 4, lines 21-51).

Note: The Examiner considers the first video image to be significantly distinguished from a second video image (inherency emphasized) because the second video image is a motion compensated image, thereby inherently distinguished from the first video image without any motion compensation. Further note that a motion between two video images creates a significant difference.

As per claim 2 argument, De Haan et al teaches means for block-wise evaluation of the deviations (estimation of global motion vector) between the current and the previous video image, (page 7, lines 7-20; page 30, lines 8-11), and that the image can be divided into some large blocks (page 8, lines 14-20). Therefore, Applicants' argument with respect to claim 2 has been met.

As per claim 3 argument, in contrast to Applicants' opinion that the Examiner is misreading or does not understand the claim, and that the claim 3 does not state the threshold value is a predetermined value, the Examiner fully understands the claim 3. Furthermore, the Examiner merely stated that the threshold value is a predetermined value as a support statement (not necessarily a limitation of claim 3) in deriving the rejection of dependent claim 3 limitation.

Herpel et al does not particularly disclose the threshold value being based on the condition that the number of image area taken into account for determining the parameter sets is limited to a predetermined value.

However, Herpel et al discloses the number of image area taken into account (block by block) for determining the parameter sets (col. 2, lines 51-55), and De Haan et al teaches determining the parameter sets based on the threshold value (see last office action).

Furthermore, as discussed above, the threshold value is normally a predetermined value well known in the art.

Therefore, it would have been obvious to a person of ordinary skill in the relevant employing the device/method of motion estimation as taught by Herpel et al to incorporate the concept as discussed above as taught by the De Haan et al so that the threshold value is based on a condition that the number of image area taken into account for determining the parameter sets being limited to a predetermined value, thereby enhancing the efficiency of the motion estimation/compensation. Therefore, Applicants' argument with respect to claim 3 has been met.



SHAWN AN  
PRIMARY EXAMINER